

REMARKS

Initially, Applicants express appreciation to the Examiner for the detailed Official Action provided.

Additionally, Applicants' representative James Bonnamy, expresses appreciation to the Examiner for the courtesies extended during the telephone interview of July 21, 2009. During the telephone interview, the outstanding rejections under 35 U.S.C. § 112 and 35 U.S.C. § 103 were discussed. Specifically, it was discussed and agreed that amending the claims of the present application to recite "group ID" instead of "group identification information" would enhance the clarity of the claims, thereby overcoming the outstanding rejection under 35 U.S.C. § 112. Furthermore, it was also discussed and agreed that amending the claims to recite "group ID" instead of "group identification information" would also overcome the outstanding rejections under 35 U.S.C. § 103. In this regard, it was acknowledged that the applied references fail to disclose or render obvious at least the feature of the present application of the group ID including user identification information of a terminal device of a member who forms the group and including a time when the group is formed.

In accordance with the above, upon entry of the present paper, claims 1, 8, 10-17, and 19-30 will have been amended to enhance clarity. The herein-contained amendments should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended claims 1, 8, 10-17, and 19-30 in order to advance prosecution and obtain early allowance of the claims in the present application. Thus, upon entry of the present paper, claims 1-30 are pending in the present application, with claims 1, 8, 10-17, and 19-26 being in independent form.

Applicants address the rejections provided within the Official Action below and respectfully request reconsideration and withdrawal of the outstanding rejections pending in the present application together with an indication of the allowability of claims 1-30 (*i.e.*, all pending claims) in the next Official communication. Such action is respectfully requested and is now believed to be appropriate for at least the reasons provided below.

35 U.S.C. § 112, Second Paragraph, Claim Rejections

In the outstanding Official Action, claims 1-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly and distinctly claim the subject matter which applicants regard as the invention. Specifically, it was asserted that the claim recitation of “group identification information” is indefinite.

By the present paper, without acquiescing in the propriety of the outstanding rejection, the claims have been amended to recite “group ID” instead of “group identification information.” As mentioned above, it was discussed and agreed during the telephone interview of July 21, 2009 that the phrase “group ID” is rendered definite at least by page 12, lines 5-12 of the present application as filed (¶[0041] of corresponding U.S. Pat. Appl. Pub. No. 2004/0234045). Accordingly, Applicants respectfully submit that the grounds for the rejection under 35 U.S.C. § 112 no longer exist, and thus, respectfully request withdrawal of the rejection.

35 U.S.C. § 103 Claim Rejections

In the outstanding Official Action, claims 1-10, 13-14, 17-20, 23, and 27-29¹ were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of PCT Pub. No. 01/65807 to Waesterlid (hereinafter “WAESTERLID”) and U.S. Pat. Appl. No. 2002/0168992 to Eiden et al. (hereinafter “EIDEN”) in view of U.S. Pat. Appl. No. 2002/0037736 to Kawaguchi et al. (hereinafter “KAWAGUCHI”), and further in view of U.S. Pat. Appl. No. 2001/0022780 to Mizutani et al. (hereinafter “MIZUTANI”). Additionally, claims 11, 12, 15, 16, 21, 22, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WAESTERLID in view of KAMAGUCHI, and further in view of MIZUTANI.

Initially, Applicants again note that, without acquiescing in the propriety of the rejections, Applicants have amended claims 1, 8, 10-17, and 19-30 to recite “group ID” instead of “group identification information.” According to such a feature, each of independent claims 1, 8, 10-17, and 19-26 (*i.e.*, all independent claims) generally recite that a group ID indicates a group exchanging mail and includes user identification information of a terminal device of a member who forms the group and a time when the group is formed. According to a non-limiting and advantageous effect of such a feature, it is ensured that the group ID of each group is unique since a terminal device cannot create two groups at the same time. At least in view of the above, Applicants respectfully traverse the rejections under 35 U.S.C. § 103 and submit that the combination of

¹ While not indicated in paragraph 7 on page 4 of the Detailed Action portion of the Office Action, it appears that the Examiner also intended to reject claims 24 and 30 under § 103(a) as being unpatentable over the listed combination of references (see pages 33 and 47 of the outstanding Official Action).

WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI fail to disclose or render obvious at least the above-mentioned feature of the independent claims.

To the contrary, as discussed and acknowledged by the Examiner during the telephone conference of July 21, 2009, MIZUTANI merely discloses that a communication terminal that desires to communicate with other communication terminals forms a momentary group (MIZUTANI ¶[0011], ¶[0045]). The communication terminal that communicates sends a packet with information to the receiving communication terminals (MIZUTANI ¶[0011], ¶[0046]). According to MIZUTANI, the packet includes a packet ID, a valid time period of the packet, hop count, a group ID, an originator ID, a belonging to group time period, and an error correcting code (MIZUTANI ¶[0046]). In this regard, MIZUTANI does not disclose that user identification information of the communication terminal that formed the group and the time period are included in the group ID. To the contrary, as acknowledged by the Examiner on page 3 of the outstanding Official Action and during the above-noted telephone conference, the originator ID and the time period are simply sent in the same packet as the group ID. Additionally, Applicants further submit that the time period merely indicates when the group will be terminated and is not a time when the group is formed (MIZUTANI ¶[0046]), as required by Applicants' claims.

In addition to the above, as previously generally submitted, Applicants submit that WAESTERLID, EIDEN, and KAWAGUCHI each fail to disclose or render obvious that which is lacking in MIZUTANI. In this regard, the Examiner has acknowledged, during the above-noted telephone interview and on page 10 of the Official Action dated November 5, 2008, that the combination of WAESTERLID, EIDEN, and KAWAGUCHI

fails to specifically disclose that the time the group is formed is included in the group ID. Applicants additionally submit that the combination of WAESTERLID, EIDEN, and KAWAGUCHI also fails to disclose or render obvious that the group ID includes user identification information of a terminal device of a member who forms the group in addition to the time that the group was formed.

Accordingly, at least in view of the above, Applicants submit that even if one attempted to combine WAESTERLID, EIDEN, KAWAGUCH and MIZUTANI in the manner suggested by the Examiner, one would not arrive at the embodiments of the present application as recited by independent claims 1, 8, 10-17, and 19-26. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejections of claims 1, 8, 10-17, and 19-26.

With respect to the Examiner's rejection of dependent claims 2-7, 18, and 27-30 Applicants submit that these claims are all directly or indirectly dependent from one of allowable independent claims 1, 8, 17, and 19 which are allowable for at least the reasons discussed *supra*. Thus, these dependent claims are submitted to also be allowable for at least the reasons discussed *supra*. Furthermore, all dependent claims recite additional features which further define the present invention over the references of record.

Therefore, at least in view of the above, Applicants respectfully submit that each and every pending claim of the present application (*i.e.*, claims 1-30) meets the requirements for patentability. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 103 rejections and to indicate the allowance of each and every pending claim in the present application.

CONCLUSION

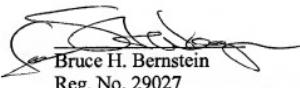
In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that the amendments to the claims are to be considered merely clarifying amendments that are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision by Applicants to narrow the claims in any way.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Masahiro HORA et al.



Bruce H. Bernstein
Reg. No. 29027

Steven Wegman
Reg. No. 31,438

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191